

1 **PINNOCK & WAKEFIELD**

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5 Attorneys for Plaintiffs

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7 **UNITED STATES DISTRICT COURT**

8 **SOUTHERN DISTRICT OF CALIFORNIA**

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10 **2150 SIGOURNEY JOSSIAH - FRANCIS
11 LEE ASSOCIATION, SUING ON BEHALF
12 OF THEODORE A. PINNOCK AND ITS
13 MEMBERS; and THEODORE A. PINNOCK,
14 An Individual,**

15 Case No.: 06cv1882 WQH (LSP)

16 **MOTION FOR VOLUNTARY DISMISSAL
17 AND DISMISSAL WITHOUT PREJUDICE
18 OF ALL DEFENDANTS AND
19 PLAINTIFFS' COMPLAINT.**

20

21 **Plaintiffs,**

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23 v.

24 **CCS INVESTMENTS, INC., d.b.a. THE
25 VILLAGE GRILLE; ANTHONY A. CIANI
26 AND LISA W. CIANI REVOCABLE
27 TRUST, dated 02-07-92; And DOES 1
28 THROUGH 10, Inclusive**

29 [Fed.R.Civ.P. Rule 41(a)(2)]

30

31 **Defendants.**

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33 **IT IS HEREBY MOVED** by Plaintiffs 2150 SIGOURNEY JOSSIAH -
34 FRANCIS LEE ASSOCIATION, SUING ON BEHALF OF THEODORE A. PINNOCK
35 AND ITS MEMBERS; and THEODORE A. PINNOCK, and, An Individual, via
36 their attorney of record that, pursuant to Federal Rules of Civil
37 Procedure, Rule 41 (a)(1) and (2), this Court enter a dismissal
38 **without** prejudice of ALL Defendants from Plaintiffs' Complaint,
39 Case Number: 06cv1882 WQH (LSP), as Counsel for Plaintiffs were

1 informed on Friday, March 23, 2007, the business is no longer in
2 operation. Additionally, Plaintiffs request Plaintiffs' Civil
3 Complaint by dismissed **without** prejudice in its entirety.

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5 **IT IS SO MOVED.**

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Dated: March 27, 2007

PINNOCK & WAKEFIELD, A.P.C.

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10 By: s/ Michelle Wakefield
11 Attorney for Plaintiffs
12 E-mail: MichelleWakefield@
13 PinnockWakefieldLaw.com

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PINNOCK & WAKEFIELD, A.P.C.

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2150 SIGOURNEY JOSSIAH - FRANCIS
LEE ASSOCIATION, SUING ON BEHALF
OF THEODORE A. PINNOCK AND ITS
MEMBERS; and THEODORE A.
PINNOCK, An Individual,

Case No.: 06cv1882 WQH (LSP)

**PROOF OF SERVICE VIA UNITED
STATES MAIL.**

Plaintiffs,

v.

[Fed.R.Civ.P. 6(e)]

CCS INVESTMENTS, INC., d.b.a.
THE VILLAGE GRILLE; ANTHONY A.
CIANI AND LISA W. CIANI
REVOCABLE TRUST, dated 02-07-92;
And DOES 1 THROUGH 10, Inclusive

Defendants.

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

On this date, I served the following document(s) described as **MOTION FOR VOLUNTARY DISMISSAL AND DISMISSAL WITHOUT PREJUDICE**

OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT on all Defendants in
this action by:

placing _____ the original a true copy
thereof enclosed in sealed enveloped addressed as stated below.

Charles K. Bell, Esq.
1560 Scott St
San Diego, California 92106-2333
ATTORNEY FOR DEFENDANT CCS INVESTMENTS, INC., d.b.a. THE VILLAGE
GRILLE

ANTHONY A. CIANI AND LISA W. CIANI REVOCABLE TRUST,
dated 02-07-92
340 Dunemere Drive
La Jolla, California 92037

A **BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, mailed at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY UNITED STATES EXPRESS MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United Postal Service, Express Mail Division. Under that practice, it would be deposited with the U.S. Postal Service, Express Mail Division on

1 the same day with postage thereon fully prepaid, mailed at San
2 Diego, California, in the ordinary course of business. I am
3 aware that on motion of the party served, service is presumed
4 invalid if postal cancellation date or postage meter date is more
5 than one day after date of deposit for mailing in affidavit. The
6 United States Postal Service Express Mail Tracking Number is
7 printed immediately under the party or representative served.

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the offices of the addressee.

STATE: I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

A **FEDERAL:** I declare that I am employed in the office of
a member of the Bar of this Court, at whose direction this
service was made.

EXECUTED on March 27, 2007, at San Diego, California.


Angela T. Payne